

Return Date: March 23, 2021

**AVRAHAM HARRIS,
Plaintiff**

v.

**STATE OF CONNECTICUT,
DEPARTMENT OF PUBLIC HEALTH,
Defendant.**

Superior Court

J.D. of Hartford

February 24, 2021

VERIFIED COMPLAINT

FIRST COUNT: Violation of Conn. Gen. Stat. Section 31-51m.

1. The Plaintiff, Avraham Harris, is an adult individual who resides at 63 Cottage Street, Amherst, Massachusetts.
2. The Defendant, State of Connecticut, Department of Public Health ("DPH"), is a state employer with a business address located at 410 Capitol Ave, Hartford, CT 06134.
3. In 2019, Mr. Harris accepted employment with DPH as Director of Communications and Government Relations.
4. Mid-afternoon on December 29, 2020, Mr. Harris received a phone call from Barbara Cass, Branch Chief of Health Care Quality and Safety at DPH. During this call, Ms. Cass informed Mr. Harris that Deidre Gifford, Commissioner of the DPH, planned to issue a \$10,000 fine against a Sports Bar in Bridgeport called Mangoz no later than December 31, 2020.
5. Earlier on December 20, a double homicide shooting had occurred at Mangoz and the incident was under criminal investigation by the Bridgeport Police Department.

6. Ms. Cass informed Mr. Harris that DPH would issue the fine for COVID-19 economic sector rules violations, such as exceeding mandated gathering limit sizes, and not enforcing the wearing of masks in the establishment. She also told Mr. Harris that his immediate assistance was needed.
7. Specifically, in order to issue the fine, Ms. Cass told Mr. Harris that DPH investigators would need a statement from one or two Bridgeport police officers who were on scene responding to the shooting. The statement needed to include a description of what the officers saw in terms of many people consuming alcohol in close proximity, not wearing masks, and the estimated size of the crowd in the establishment.
8. In order to obtain these statements from Bridgeport police officers, Ms. Cass told Mr. Harris that DPH would need to reach out to the city government and get buy-in from the Bridgeport Police Department to have the officers give statements for this DPH enforcement action.
9. Ms. Cass said to Mr. Harris that because of Mr. Harris' strong connections in Bridgeport, DPH leadership wanted him to call the city and initiate the process on behalf of DPH.
10. Aside from concerns about interfering with the pending criminal investigation and the accuracy of the legal entity receiving the fine, Mr. Harris expressed concern to Ms. Cass about whether DPH had legal authority to issue the fine.
11. Ms. Cass told Mr. Harris that she was told that Executive Order 9N issued by Governor Ned Lamont gave DPH authority to issue the \$10,000 fine to the business.
12. Mr. Harris reviewed the Executive Order 9N and was still troubled by what he was being asked to do and believed that the instruction that he received raised some very serious and complicated questions, including:
- (a) Whether DPH had the authority to issue this fine. Mr. Harris understood that Executive Order 9N allowed DPH to issue a fine only if DPH had first determined that the local authorities were not effectively enforcing the COVID-19 sector rules.

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(b) Whether DPH made a determination that COVID rules were not being effectively followed by Bridgeport. And, if so, how did DPH determine that?

(c) Whether DPH asked Bridgeport to enforce the fine.

(d) If DPH determined that Bridgeport was not effectively enforcing the rules, whether DPH needed to notify Bridgeport of that determination and that pursuant to Executive Order 9N, DPH would take action.

(e) Whether Mr. Harris impending contact with Bridgeport constituted notification that DPH had determined that Bridgeport was not effectively enforcing the COVID-19 sector rules.

(f) Whether DPH's request that Bridgeport police officers give statements to DPH about the criminal incident was unlawful interference with Bridgeport's active criminal investigation of the double homicide.

13. Mr. Harris needed fast answers to these legal questions before he reached out to his contacts in Bridgeport. He felt pressure to move quickly because Commissioner Gifford wanted action by Thursday 12/31 - within 48 hours. And, Mr. Harris had serious concerns that his actions would set off a chain of events that could violate state laws and regulations.

14. To confirm the legal authority upon which he was being asked to act upon, Mr. Harris would normally have reached out to Anthony Casagrande, DPH General Counsel. Since Attorney Casagrande was on holiday vacation, Mr. Harris, instead first reached out to Henry Salton, DPH Special Counsel. He received no immediate response from Attorney Salton. Attorney Salton did not respond to Mr. Harris until later that day as alleged in Paragraph 23 and after the events of Paragraphs 16-21 had occurred.

15. Mr. Harris also text messaged Attorney Casagrande seeking help. Attorney Casagrande did not respond until the early evening of December 29 - after the events of the day as alleged in Paragraphs 16-23 had occurred.

16. Without having found the urgent assistance that he needed from within DPH, Mr. Harris text messaged and attempted to call Paul Mounds, Chief of Staff for the Office of the Governor. Mr. Mounds never responded.
17. Mr. Harris then telephoned Doug Dalena, Deputy Legal Counsel in the Office of the Governor.
18. Mr. Harris had communicated with Mr. Mounds and Attorney Dalena regularly from time to time as warranted by issues that had arisen during his employment at DPH. Mr. Harris was also aware that Attorneys Casagrande and Dalena had collaborated closely on executive orders and travel advisories during the pandemic.
19. Mr. Harris felt that escalations to Mr. Mounds and Attorney Dalena were appropriate and correct given the urgency of the matter and legal questions at stake.
20. Mr. Harris contact with Attorney Dalena was also keeping in line with the protocol for DPH that Attorney Casagrande had communicated to Mr. Harris during the Fall of 2019. The communicated protocol was that if anything legal would be high profile or controversial, then DPH staff in Legal or Government Relations must immediately notify attorneys in the Office of the Governor.
21. During their telephone conversation, Mr. Harris shared his concerns with Attorney Dalena. Attorney Dalena suggested that he was unaware of DPH's planned action, questioned why DPH was taking this approach, and then indicated that he needed to escalate the matter to Attorney Bob Clark, General Counsel for the Office of the Governor.
22. Later that day, Attorney Dalena text messaged Mr. Harris that the Office of the Governor would handle the Bridgeport matter directly with Commissioner Gifford.
23. Shortly after the aforementioned telephone call with Attorney Dalena, Attorney Salton and Ms. Cass video-conferenced with Mr. Harris to discuss his legal concerns.
24. DPH eventually issued a \$10,000 fine to the owner of the building containing the Mangoz bar on December 31, 2020 accompanied by a joint statement from the Governor's office and the City of Bridgeport, which quoted the Governor,

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Commissioner Gifford, Bridgeport Mayor Joe Ganim, Bridgeport Police Chief Rebeca Garcia, and Bridgeport Health Director Lisa Morrissey.

25. This final outcome was more successful than the original approach that DPH leadership had contemplated and this outcome partially resulted from Mr. Harris' intervention and escalation to Attorney Dalena in the Office of the Governor.
26. Mr. Harris' escalation of legal concerns about DPH's potentially unlawful actions with regard to Executive Order 9N cost him his job.
27. Less than three hours after this firestorm began on December 29, 2021, Mr. Harris was summoned to a videoconference meeting with Commissioner Gifford and Lita Orefice, DPH Chief of Staff.
28. During that meeting, Commissioner Gifford told Mr. Harris that Mr. Mounds informed her that Mr. Harris had contacted him and she and Ms. Orefice admonished Mr. Harris for escalating his legal concerns to the Office of the Governor. They also told him that it was improper for him to have sought legal counsel from Attorney Salton and that all questions concerning his assignments should be directed to Ms. Orefice as his supervisor.
29. During that meeting, Commissioner Gifford said to Mr. Harris "This makes it hard for us to trust you with sensitive information because we don't know who you are calling."
30. On December 22, 2020, in connection with the DPH's hiring of an outside consultant to handle Covid-related communications, Max Reiss, chief spokesperson for the Office of the Governor, issued a public statement that Mr. Harris would continue in his role in communications and overseeing government relations for the DPH.
31. Yet, just over one week later, on December 31, 2020, and less than 48 hours after the events of December 29th, Commissioner Gifford and Ms. Orefice summoned Mr. Harris to another meeting and terminated his employment effective January 14, 2021 - less than five months from his ten-year anniversary date and retiree health care benefit milestone as a state employee.

32. Section 31-51m provides that "Employers cannot discharge, discipline, or otherwise penalize an employee because the employee reports a violation or suspected violation of federal or state law or regulation, or municipal ordinance or regulation to a public body."

33. At all times relevant to this Complaint, the Governor's Office, an executive branch of the State of Connecticut and officials acting pursuant to their administrative function in the Governor's Office, are a "public body" as that term is used in Conn. Gen. Stat. §31-51m.

34. Mr. Harris reported suspected violations of state laws or regulations, as described in herein, to a public body.

35. Because of Mr. Harris' report of violations or suspected violations of state laws or regulations to a public body, DPH terminated Mr. Harris' employment.

36. DPH's termination of Mr. Harris' employment violates Conn. Gen. Stat. Section 31-51m.

37. As a result of DPH's termination of Mr. Harris' employment, Mr. Harris has suffered damages.

WHEREFORE, the Plaintiff, Avraham Harris, requests that this Court;

1. Award Mr. Harris the full amount of his lost wages and benefits such that he is made whole for all losses incurred as a result of DPH's unlawful actions and conduct;
2. Order DPH to reinstate Mr. Harris to his position of employment or a comparable position or, in the alternative, award him front pay damages;
3. Award Mr. Harris compensatory damages;
4. Award Mr. Harris his attorneys' fees and costs;
5. Award Mr. Harris pre-judgment and post-judgment interest; and

6. Grant Mr. Harris such other legal or equitable relief as the Court may deem just and proper.

THE PLAINTIFF,
AVRAHAM HARRIS

By: 

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand in the above-captioned matter exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF,
AVRAHAM HARRIS

By: 

Irene E. Bassock, Esq.

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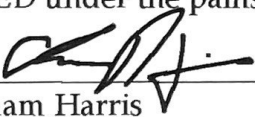
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VERIFICATION OF COMPLAINT

I, AVRAHAM HARRIS, being duly sworn, hereby verify that I have read the allegations with in the Verified Complaint dated February 24, 2021, and to the best my knowledge, information, and belief, each allegation is correct and true.

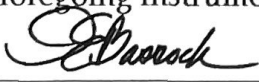
SIGNED under the pains and penalties of perjury this 24th day of February, 2021


Avraham Harris

County of Hartford

February 24, 2021

The above-named, Avraham Harris, appeared before me and acknowledged the foregoing instrument to be his free act and deed.


Irene E. Bassock (#411683)
Officer of the Court